



THE RUSSELL FRIEDMAN
LAW GROUP, LLP

The application for a pre-motion conference is granted. A telephone conference is scheduled for 7/23/20 at 1:00 p.m. At the time of the scheduled conference, all parties shall call the following number: (888) 398-2342; access code 3456831.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: New York, New York
July 6, 2020

VIA ECF

Hon. Philip M. Halpern
United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

Re: Michael Bayer et al. v. County of Dutchess, et al.
Index No.: 19-CV-03383; File No.: L2683

Dear Judge Halpern:

This office is counsel for Plaintiffs in the above referenced matter. Pursuant to Fed. R. Civ. P. 37(a)(1), Local Rule 37.2 and Your Honor's Individual Practice Rule 4(D), Plaintiffs respectfully make this application to request a telephone conference with the Court to address the deficiencies regarding Defendants' Responses to Plaintiffs' First Set of Document Demands.

To briefly summarize, Plaintiffs filed an Amended Complaint in this matter on October 31, 2019. (DE No. 41) On November 27, 2019, Defendants filed a letter requesting a pre-motion conference seeking permission to dismiss the Amended Complaint pursuant to FRCP 12(b)(6). (DE No. 42). On January 6, 2020, the parties appeared for the pre-motion conference scheduled by this Court. At the conference, Judge Karas asked the undersigned if the Plaintiffs would consent to remove the Monell and Failure to Supervise Causes of Action from the Amended Complaint, without prejudice, and proceed with discovery to avoid unnecessary motion practice. *See* Order dated January 6, 2020. On January 21, 2020, Plaintiffs filed a letter with the Court agreeing to withdraw, without prejudice, the Monell and Failure to Supervise Cause of Action at this time in accordance with Judge Karas' Order dated January 6, 2020. (DE No. 46). The parties also submitted a Proposed Case Management and Scheduling Order that was so-ordered on January 23, 2020. (DE No. 47).

In accordance with the Scheduling Order, Plaintiffs served their Initial Disclosures on February 4, 2020. Plaintiffs also served interrogatories and document demands on February 28, 2020 pursuant to the Scheduling Order. Due to the COVID-19 Pandemic, Defendants had represented that they had not been able to procure responses to Plaintiffs interrogatories and document demands. The parties had met and conferred regarding Plaintiffs Interrogatories and Defendants' served their Initial Disclosures, Responses to Plaintiffs' First Set of Interrogatories and Responses to Plaintiffs' First Set of Document Demands on May 13, 2020.



June 25, 2020
Letter to Judge Halpern
Page 2

On June 1, 2020, counsel for the Defendants represented that there we were intending on supplementing their Responses to Plaintiffs' First Set of Document Demands. On June 11, 2020, my office attempted to follow up regarding same to no avail. On June 16, 2020, after receiving no response from Defendants, Plaintiffs sent a letter outlining certain deficiencies regarding Defendants' Responses to Plaintiffs' First Set of Document Demands and asked for a response to same by June, 23, 2020. See Exhibit "A".

On June 24, 2020, Plaintiffs again attempted to contact Defendants to address the deficiencies in Defendants' Response to Plaintiffs' First Set of Document Demands to no avail. In the interim, Plaintiffs have re-noticed the Individual Defendants depositions in accordance with the Scheduling Order as follows:¹

- DCFS Schouten's deposition is to be held on July 13, 2020;
- DCFS Stickle's deposition is to be held on July 24, 2020;
- DCFS Bonnerwith's deposition is to be held on July 27, 2020;
- DCFS Woolsey's deposition is to be held on July 29, 2020;
- DCFS Mahoney's deposition is to be held on July 29, 2020.

It is imperative that Plaintiffs receive complete responses before these depositions take place in order to prevent having them reproduced due to Defendants belated and incomplete responses to discovery. As such, pursuant to Fed. R. Civ. P. 37(a)(1), Local Rule 37.2 and Your Honor's Individual Practice Rule 4(D), Plaintiffs respectfully request that this Court schedule a telephone conference to address the discovery disputes in an effort to avoid seeking further judicial intervention to compel same.

Thank you for your attention and consideration of this application.

Very truly yours,

THE RUSSELL FRIEDMAN LAW GROUP, LLP

By: /S/Daniel S. Hallak
Daniel S. Hallak

DSH/dm

cc: All parties (via ECF)

¹ Pursuant to the Scheduling Order so-ordered by Your Honor on May 11, 2020, depositions of all parties are to be completed by August 3, 2020. (DE No. 51)